

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Lawrence Lamont Ingram, )  
)  
Plaintiff, )

Civil Action No. 9:18-cv-2322-TMC

v. )  
)

**ORDER**

United States, Assoc. Warden Ann Shepard, )  
Major Timothy Clark, Captain NFN )  
Williams, Warden Scott Lewis, Sgt. Jordan )  
Moore, Ofc. Kenneth Smith, Bryant P. )  
Stirling, )  
)  
Defendants. )

Plaintiff, proceeding *pro se*, filed this 42 U.S.C. § 1983 action alleging that the Defendants violated his constitutional rights. (ECF No. 1). The Complaint has not yet been served. Plaintiff filed a Motion for Default Judgment on November 26, 2018. (ECF No. 20). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. On November 1, 2018, the magistrate judge ordered Plaintiff to bring the case into proper form. (ECF No. 8). The magistrate judge entered a subsequent Proper Form Order on November 15, 2018. (ECF No. 15). On December 4, 2018, the court became aware that Plaintiff had moved to a different facility, and the court re-mailed the November 15, 2018, Proper Form Order to Plaintiff. (ECF No. 22). To date, the case has not been brought into proper form. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court deny Plaintiff's Motion for Default Judgment be denied and that the court dismiss the case without prejudice in accordance with

Rule 41 of the Federal Rules of Civil Procedure. (ECF No. 27). Plaintiff was advised of his right to file objections to the Report. *Id.* at 4. However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the magistrate judge’s Report (ECF No. 27) to the extent that it recommends dismissing this case for failure to prosecute and failure to comply with court orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report is incorporated herein by reference. The court finds that sanctions less drastic than dismissal would not be effective in this case because Plaintiff has already ignored numerous court Orders and deadlines at this point. Accordingly, this case is **DISMISSED without prejudice** pursuant to Federal Rule of Civil Procedure 41(b).<sup>1</sup> Furthermore, Plaintiff’s Motion for Default Judgment (ECF No. 20) is **DENIED as moot**.

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<sup>1</sup> Plaintiff was explicitly warned in both the November 1, 2018, Proper Form Order and in the November 15, 2018, Proper Form Order that failure to bring the case into proper form by the deadline could result in dismissal of the case under Federal Rule of Civil Procedure 41. (ECF Nos. 8 at 2, 15 at 2). Additionally, in his Report, the magistrate judge gave Plaintiff the opportunity to bring the case into proper form within the time frame allowed for objections to the Report. (ECF No. 27 at 2). The magistrate judge stated that if he received the proper form documents prior to the time for objections expiring, he would vacate his Report. *Id.* However, no proper form documents were received.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
January 8, 2019

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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Accordingly, the court finds that Plaintiff has been sufficiently warned of the consequences for not complying with the court's orders. Therefore, dismissal is proper. *See Simpson v. Welch*, 900 F.2d 33, 35-36 (4th Cir. 1990).